IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5471 OF 2007

Mr.Haresh Nanji Shah & Ors. : Petitioners

V/s.

Mr.Nanji Devji Shah & Anr. : Respondents

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Mr.P.P.Chavan i/b. Mr.V.M.Bhate for the petitioners.

Mr.J.Reis with Mr.Y.Chaudhari for respondent no.1.

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CORAM : S.A.BOBDE, J.

DATE : AUGUST 07, 2007.

P.C.

1. After hearing the matter for sometime, the following order is passed by consent:-

O R D E R

(i) The finding of the learned trial Court on the construction of sections 22 and 26 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 is not correct since the sections clearly exclude the application of Chapter VI only to, or in relation to, the eviction of a

tenant from any building belonging to Government and other authorities specified therein, in a slum area.

(ii) The issue on the finding of fact are left open. The matter is remitted back to the trial Court for a fresh decision on all points, in accordance with law. The trial Court is directed to decide the suit within a period of six months from the next date.

(iii) The Writ Petition stands disposed of.

S.A. BOBDE, J.